



Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

MEETING DATE December 18, 2015 LOCAL EFFECTIVE DATE January 1, 2016 APPROX FINAL EFFECTIVE DATE January 19, 2016	CONTACT/PHONE James Caruso (805)781-5702 jcaruso@co.slo.ca.us	APPLICANT Mike Hodge	FILE NO. DRC2015-0005
SUBJECT Request by MIKE HODGE for a Minor Use Permit/Coastal Development Permit (DRC2015-00005) to waive the 50 foot separation requirements for vacation rentals to allow the establishment of two (2) vacation rentals within 50 feet of an existing vacation rental and within 50 feet of one another. The project will result in no site disturbance. The proposed project is located on the northeast side of San Luis Street and 2 nd Street at 260 and 270 Second Street (Top of the Hill), within the community of Avila Beach, in the San Luis Bay Coastal planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2015-0005 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on September 4, 2015			
LAND USE CATEGORY Residential Multifamily	COMBINING DESIGNATION Local Coastal Program, Coastal Appealable Zone, Coastal Special Community, Archaeologically Sensitive	ASSESSOR PARCEL NUMBER 076-201-084 and 085	SUPERVISOR DISTRICT(S): 3
PLANNING AREA STANDARDS: Avila Beach Specific Plan, San Luis Bay Coastal Area Plan Does the project meet applicable Planning Area Standards: <i>Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Coastal Appealable Zone, Setbacks, Parking, Height, Residential Vacation Rentals Does the project conform to the Land Use Ordinance Standards: <i>Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Site is currently vacant; Approved 7 unit (6 lot) residential subdivision (Tr 3021) currently under development	
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Multifamily; residential East: Residential Multifamily; residential South: Residential Multifamily; residential West: Residential Multifamily; residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, Avila CSD, Coastal Commission, Avila Valley Advisory Council	
TOPOGRAPHY: Nearly level to steeply sloping	VEGETATION: Grasses and disturbed soils
PROPOSED SERVICES: Water supply: Avila Community Services District Sewage Disposal: Avila Community Services District Fire Protection: CalFire	ACCEPTANCE DATE: September 4, 2015

DISCUSSION

The Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been constructed in conformance with all standards applicable to residential development. Zoning Clearance, Business License and Transient Occupancy Tax Registration is required for each residential vacation rental. In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental (within Avila Beach) if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor-serving accommodation. The location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

The proposed project requests the approval of two vacation rentals in an attached structure. Each unit (units D-1 and D-2) is 1,531 square feet and are located at the northerly end of the development. Units D-1 and D-2 are within 50 feet of one another and are within 50 feet of Building C which is already licensed as a vacation rental. Based on these distances, the two requested vacation rentals both require distance waivers from one another and from Building C.

Buildings B, C and D are under construction and are part of approved Tract 3021, a six lot (seven units) subdivision. This Minor Use Permit addresses the waiver of distance separation for the two proposed vacation rentals. Based on the information in the application, a review of the neighborhood's traffic circulation, densities, topography and numbers of existing vacation rentals, as well as a review of the onsite circumstances, staff recommends approval of one vacation rental instead of the two requested.

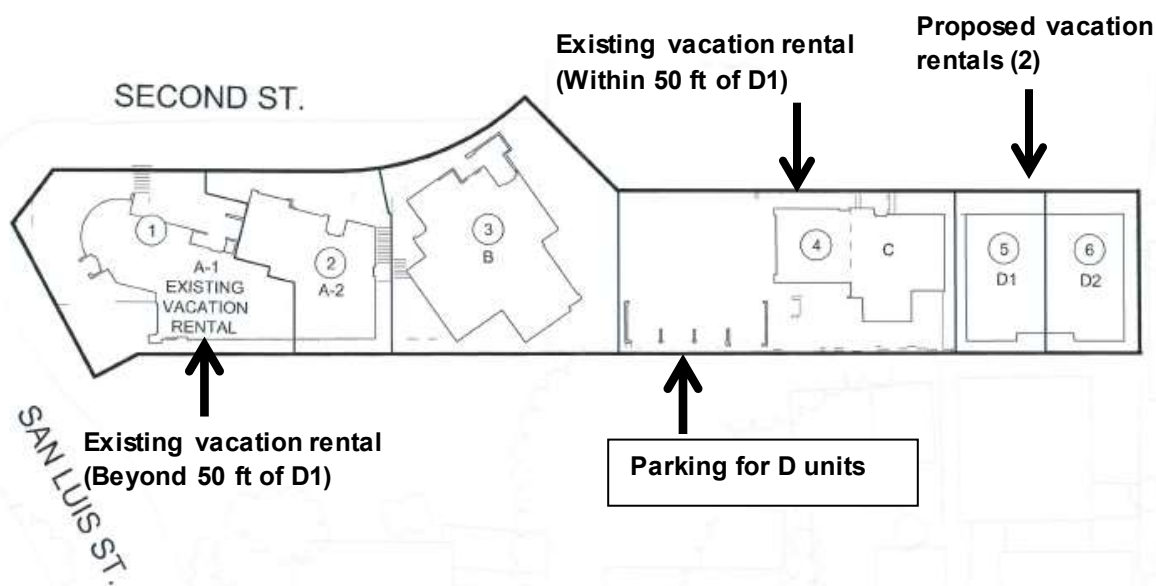
COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043(c)(1): Appeals to the Coastal Commission (Coastal Appealable Zone)
 The project is appealable to the Coastal Commission because the subject parcel is located between the sea and the first public road (Avila Beach Drive) paralleling the sea.
Section 23.07.120: Local Coastal Program
 The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.08.165: Residential Vacation Rentals

In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor-serving accommodation. Distances shall be measured from the closest property line of the property containing the vacation rental and/or other visitor-serving accommodation to the closest property line of the proposed residential vacation rental unit. In the case of condominium units, the property line shall be the wall of the individual unit. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

This Minor Use Permit application proposes to modify the distance requirements between vacation rentals. Two of the proposed vacation rentals (D-1 and D-2) abut one another and are located within 10 feet of another existing vacation rental (Unit C). The two parking spaces associated with unit C are located in the garage. The two proposed vacation rental units' parking is in the carport adjacent to Unit C. Units D-1 and D-2 are then accessed by way of a walkway along the north side of Unit C.



Residential Vacation Rental Operational Standards:

Residential vacation rentals are subject to the following operational standards:

Local contact person. The residential vacation rental shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants.

Number of occupants allowed. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.

On-site parking required. All parking associated with the residential vacation rental shall be entirely onsite, in the garage, driveway or otherwise out of the roadway. Tenants of the residential vacation rental shall not use on-street parking at any time.

Noise. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall ensure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.

Vacation rental tenancy. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.

Traffic. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.

Appearance, visibility and location. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

Signs. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking. Any and all advertising for this vacation rental shall be consistent with the conditions of approval (see Exhibit B – Conditions of Approval).

Transient Occupancy Tax. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.

Staff Comments: The existence of three vacation rentals in the small area of units C, D-1 and D-2 can create incompatibilities within the development. The onsite parking for Buildings C and D (each unit has 2 bedrooms) is limited to a 2 car garage and a four space carport (see site plan above). The two proposed vacation rentals and the existing adjacent vacation rental in unit C could be occupied by up to 6 people each based **Number of occupants allowed** operational standard above. There is no other location on the site where vehicles can park other than these assigned spaces. The constrained location of these spaces in garages and carports can be appropriate for full time residents that are aware of these constraints and are better able to comply with parking requirements.

The site is better suited to just one additional vacation rental in one of the D building units. In this way, considering the entire development of 7 units, less than half are licensed vacation rentals. The majority of units remain for full time residents to occupy thereby reducing the potential incompatibilities between residents and vacation rental users.

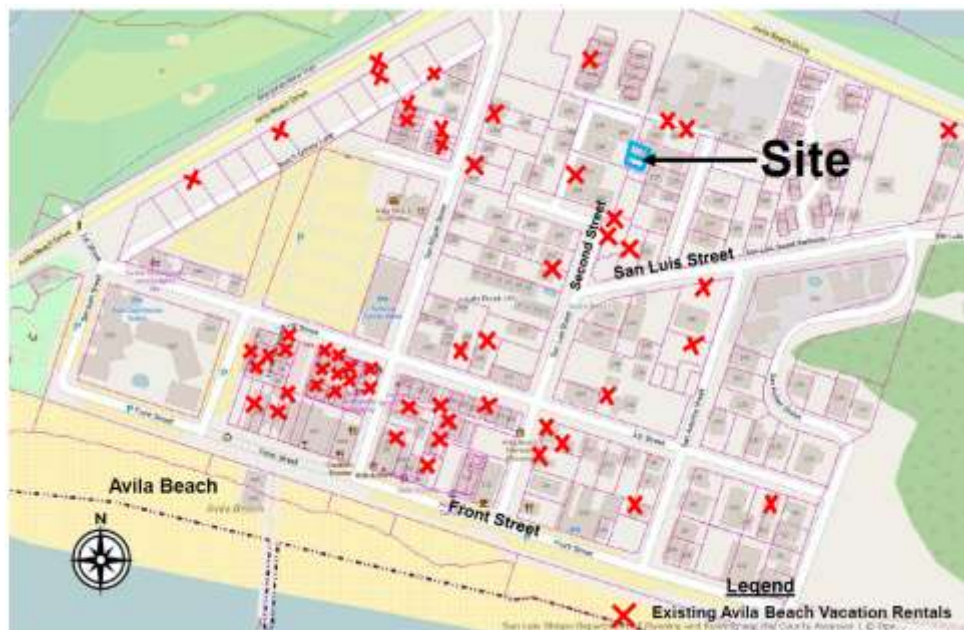
Neighborhood Compatibility

The Coastal Zone Land Use Ordinance identifies the incompatibilities that can exist between full time residents and vacation rentals and users. These incompatibilities can be exacerbated by establishing too many vacation rentals in an area with limited circulation and parking, high residential densities and developments separated by limited property line setbacks. The Board of Supervisors has determined that vacation rentals have the potential to be incompatible with surrounding residential development:

“...the Board of Supervisors finds that residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents. Special regulation of residential vacation rentals is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.”

Minor Use Permits to waive distance separation should be review carefully for the potential neighborhood incompatibilities mentioned in the above paragraph. A proliferation of vacation rentals, existing high density housing, short setbacks and difficult parking are circumstances that indicate distance waivers should not be allowed.

There are approximately 11 vacation rentals in the neighborhood around the project site (see map of vacation rentals below). The neighborhood is characterized as a high density area with small lots and many dwelling units surrounding the site. Parking on the proposed site and surrounding sites is limited by topography, street widths, and poor traffic circulation patterns including dead end roads. Additionally, there is a lack of on street parking in the area due to inconsistent street improvements and widths.



Conclusion

The 2 proposed vacation rentals in Building D are incompatible with onsite residential uses and off site residential uses. There are eleven vacation rentals in a relatively small area subject to discontinuous, dead end circulation, narrow streets, lack of street improvements and high density residential uses. The onsite constraints also lead to incompatibilities between the permanent residents and vacation rental users.

The area is designated Residential Multi-Family and contains higher density housing units that represent an important housing stock in a town that hosts many service jobs. On the other hand, the town is a popular beach community that needs visitor serving overnight units. There needs to be a balance between these competing uses. One additional vacation rental in this development and this neighborhood has been determined to be the needed balance.

COASTAL PLAN POLICIES:

Shoreline Access: N/A
Recreation and Visitor Serving: N/A
Energy and Industrial Development: N/A
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: N/A
Agriculture: N/A
Public Works: N/A
Visual and Scenic Resources: N/A
Hazards: N/A
Archeology: N/A
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS:

The Avila Beach committee met at a regular meeting on November 9, 2015. The committee had concerns related to parking, noise and the proliferation of vacation rentals in the neighborhood. The AVAC letter states, in part:

*“In the spirit of establishing a balanced community of vacation rentals and full time residences the AB residential committee requests the County Planning Department to support the Avila Beach 50’ distance ordinance. In spite of the county findings to previously support modifications --- residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, **as is the case here**, thereby having the potential for a **deleterious** effect on the adjacent full—time residents such as impacting parking and causing noise issues. We ask that the county support the intent of the vacation rental ordinance.”*

The Department has taken AVAC’s review of this project and their comments into account in developing this recommendation.

AGENCY REVIEW:

Avila Valley Advisory Council (AVAC)

LEGAL LOT STATUS:

The project site consists of two existing parcels (lots 5 and 6) of Tract 3021 and they were legally created by the recordation of the parcel map at a time when that was a legal method of creating parcels.

Staff report prepared by James Caruso and reviewed by Karen Nall.

Attachments

1. Exhibit A - Findings
2. Exhibit B - Conditions
3. Project Graphics
4. AVAC Letters